

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
WEDNESDAY, OCTOBER 18, 1989  
7:30 P.M.

## ROLL CALL

Present: Council Members - Olson, Reid,  
Pinkerton and Hinchman (Mayor Pro Tempore)

Absent: Council Members - Snider

Also Present: City Manager Peterson, Assistant City  
Manager Glenn, Community Development  
Director Schroeder, Public Works Director  
Ronsko, City Attorney McNatt, and City Clerk  
Reimche

## INVOCATION

The invocation was given by Pastor Rudi Rodriquez, Lodi  
New Life Mission.

PLEDGE OF  
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tempore  
Hinchman.

## PRESENTATIONS

PROCLAMATIONS  
CC-37

Mayor Pro Tempore Hinchman presented the following  
proclamations:

- a) "National Business Women's Week"
- b) "Red Ribbon Week"

## CONSENT CALENDAR

In accordance with report and recommendation of the City  
Manager, Council, on motion of Council Member Olson,  
Reid second, approved the following items hereinafter set  
forth. Agenda item E-6 - "Contract with Paula Fernandez  
for traffic engineering service was withdrawn from the  
Consent Calendar and discussed and acted upon under the  
Regular Calendar.

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## CLAIMS CC-21(a)

Claims were approved in the amount of \$1,496,829.45.

## MINUTES

No minutes were presented for Council approval.

IMPROVEMENTS UNDER  
CITY COUNCIL CHAMBER  
(CARNEGIE LIBRARY)  
REMODEL, 305 WEST PINE  
STREET ACCEPTED

## CC-90

The City Council accepted the improvements under the "City  
Council Chamber (Carnegie Library) Remodel" contract, and d

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irected the Public Works Director to file a Notice of Completion with the County Recorder's office.

The City Council was advised that the contract was awarded to Modern Engineering and Construction of Stockton on September 7, 1988 in the amount of \$860,384.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The present contract amount, including approved change orders, is \$946,639. The price of a minor final change order is still being negotiated. Staff indicated its desire to proceed with the acceptance in order to release the contractor's bonds and start the warranty.

IMPROVEMENT DEFERRAL  
AGREEMENT FOR 330 EAST  
KETTLEMAN LANE, LODI

CC-6  
CC-46  
CC-90

The City Council approved the Improvement Deferral Agreement for 330 East Kettleman Lane and directed the City Manager and City Clerk to execute the agreement.

The City Council was advised that because the owner is splitting his property for the development of Misty Manor subdivision, the City requires that the remainder of the Kettleman Lane improvements be installed on the northern parcel. All the Kettleman Lane improvements have been constructed except for approximately 30 linear feet of curb, gutter, sidewalk, and commercial driveway. Because the owner does not intend to develop this northern parcel at the present time, the Planning Commission has approved the deferral of the Kettleman Lane improvements. This deferral agreement allows the property owner to defer the installation of these improvements for five years or until the City requires that they be installed.

RENEWAL AGREEMENT WITH  
ADJUSTCO FOR LIABILITY  
CLAIMS ADMINISTRATION  
FOR 1989-90

CC-21.1 (a)  
CC-90

The City Council approved the renewal of the Liability Claims Administration Contract with ADJUSTCO covering the period of September 1, 1989 through June 30, 1990 and authorized the City Manager and City Clerk to execute the letter agreement on behalf of the City.

Submitted for City Council approval was the renewal of the agreement with ADJUSTCO for liability claims administration for a ten-month period beginning September 1, 1989 and ending June 30, 1990.

ADJUSTCO is requesting an approximate 10% increase to their current fees.

The proposed fees under this Contract compared to last year's fees are as follows:

1988/89 Contract

\$13,140.00 for the first 45 new claims

\$292.00 per claim for those filed in excess of 45

September 1, 1989 to June 30, 1989 Contract

\$17,900 for the first 55 new claims

\$298.00 per claim for those filed in excess of 55

From January 1, 1989 through this date, 49 liability claims have been filed against the City of Lodi.

ADJUSTCO has provided liability claims administration to the City of Lodi since October 1983.

AMENDED SALARY RANGES  
FOR CLASSIFICATIONS IN  
THE FIRE DEPARTMENT

RES. NO. 89-145

CC-34  
CC-300

The City Council adopted Resolution No. 89-145 amending salary ranges for employees in the Fire unit effective October 2, 1989.

The City Council was advised that a multi-year agreement with the Fire Unit calls for adjustments to their salary schedule, effective the pay period commencing October 2, 1989, based on the results of a survey of comparable cities. The results of this survey were presented for the City Council's perusal.

This increase also results in salary increases for mid-management classifications in the Fire Department, and their new ranges were also presented for Council's review.

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ANNUAL STATEMENT OF  
INVESTMENT POLICY AND  
INTERNAL CONTROL GUIDELINES

RES. NO. 89-146

CC-21  
CC-300

The City Council adopted Resolution No. 89-146 approving the Annual Statement of Investment Policy and Internal Control Guidelines.

The City Council was apprised that the California State Legislature enacted AB1073 in 1983 requiring local agencies to adopt an annual investment policy.

This policy is presented to the City Council after the books are closed to enable staff to obtain certain benchmark rates of return for the fiscal year 1988-89. An exhibit indicating the comparable benchmark rates was presented for Council's review.

SPECIFICATIONS AND  
ADVERTISEMENT FOR THE  
PURCHASE OF COPY  
MACHINES FOR THE FIRE  
DEPARTMENT (ONE) AND THE  
PARKS AND RECREATION  
DEPARTMENT (ONE) APPROVED

CC-20  
CC-47

The City Council approved specifications for the purchase of copy machines for the Fire Department (one) and the Parks and Recreation Department (one).

The City Council was advised that the Xerox 4000 copier currently used by the Fire Department is nearly 20 years old, and annual maintenance costs approaches \$2,000. Purchase of a new machine would increase staff efficiency and save nearly \$700 per year in maintenance costs.

The Xerox 1035 copier used by the Recreation and Parks Departments is five years old, but is designed for volume under 5,000 copies per month. Actual use over the past 14 months has averaged 13,000 copies per month, resulting in early fatigue of the equipment.

Evaluation of the bids will consider estimated total cost of operation (purchase price, supplies and maintenance costs) over a five-year period.

Funding for the purchase of two copiers has been included in the 1989/90 equipment budget, Fire Department and Recreation Department.

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STANDARDIZATION AND  
PURCHASE OF RADAR  
EQUIPMENT FOR THE  
POLICE DEPARTMENT

RES. NO. 89-147

CC-20  
CC-47  
CC-300

The City Council adopted Resolution No. 89-147 approving the standardization and purchase of radar equipment from Custom Electronic, Inc. for the Police Department.

The radar units used by the Police Department for the last five years have been the Custom Electronic Roadrunner Radar Guns. The Police Department will be adding six hand-held units and three mobile units in the near future. At the present time all of its radar units are manufactured by Custom Electronics. The Police Department has found these radar units to be low maintenance and the parts and materials are readily available.

Section 3.20.040 entitled, "Exemptions From Centralized Purchasing" of the Lodi Municipal Code authorizes the City Council to standardize on specific supplies, services, and equipment. Since the Police Department has to add a total of nine radar units, and since the City's current inventory includes only custom electronics equipment, it is recommended that the City standardize on radar units manufactured by Custom Electronics, Inc.

STANDARDIZATION AND  
PURCHASE OF COMPUTER  
EQUIPMENT FOR THE FIRE  
DEPARTMENT

RES. NO. 89-148

CC-20  
CC-47  
CC-300

The City Council adopted Resolution No. 89-148 approving the standardization and purchase of computer equipment from MacIntosh, Inc. for the Fire Department.

The City Council was advised that MacIntosh supplied the computer equipment that we currently are using for the Fire Suppression Division of the Fire Department. This additional equipment will complete the MacIntosh system and will be used in the Training Division, Operations officers office and in the Battalion Chiefs Command Van. To be compatible with the system we now have, all of the hardware must be MacIntosh. MacIntosh government pricing for this equipment is as follows:

One, Mac SE Hard Disk 40 CPU with Apple Extended Keyboard	\$2,744.00
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Two, Mac SE Hard Disk 20 CPU with

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Apple Extended Keyboard (\$2,162 ea.)	\$4,324.00
One, Imagewriter II Printer with cables	\$ 411.00
Two, Localtalk Locking Connector Kits (\$52.50 ea.)	\$ 105.00
One, Localtalk Cable Extender, 25 meters	\$ 87.50
One, Localtalk Cable Extender, 10 meters	\$ 52.50
Two, MacWrite 5.0 (\$67.00 ea.)	\$ 138.00
Two, MacDraw (\$88.00 ea.)	\$ 176.00
	<u>\$8,038.00</u>
Tax	<u>428.28</u>
Total	\$8,520.28

The 1989/90 Budget contains \$10,000.00 for the purchase of the hardware and software for this project. The funds are budgeted in the Equipment Fund, 12.0-012.01-18.

TRAFFIC RESOLUTION AMENDMENT -  
POPLAR STREET AND WASHINGTON  
STREET INTERSECTION CONTROL

RES. NO. 89-149

CC-48(h)  
CC-300

The City Council adopted Resolution No. 89-149 - A Resolution of the Lodi City Council approving the conversation of "Yield" signs to "Stop" signs on Poplar Street and Washington Street, Thereby Amending Traffic Resolution No. 89-163.

The City Council was advised that the Public Works Department has received a request for additional control at the intersection of Poplar Street and Washington Street. The intersection is four-legged with two-way traffic permitted on all legs except the north leg, which is one-way for southbound traffic due to the narrow width. The intersection is controlled by yield signs on Poplar Street at Washington Street.

In response to this request, staff reviewed traffic volumes, available accident records, and performed a safe approach speed analysis. The traffic volumes indicate that the existing yield controls are regulating major street traffic (Poplar). The approach volumes on Poplar Street and Washington Street are approximately 900 and 550 vehicles per day, respectively. Available accident records show that there have been two accidents in the past three years; none in 1986, two in 1987, and none in 1988. There

have been none in 1989 to date. Both accidents were right-of-way violations. The safe approach speed analysis was performed on all four legs of the intersection and indicates that whether or not the controls are reversed, stop signs would be appropriate. A multi-way stop analysis was also performed, however, the guidelines were not met. If this intersection had no existing controls, the recommendation would be for a stop sign on Washington. However, staff is reluctant to recommend reversal of existing controls in the absence of an accident problem or significant disparity in volume. Staff feels that the "yield" signs should be converted to "stop" signs regardless if the controls are reversed.

SUPPLEMENT NO. 2 TO  
THE NORTHERN CALIFORNIA  
JOINT POWERS AGREEMENT -  
MEMBERSHIP OF TRUCKEE-DONNER  
PUBLIC UTILITY DISTRICT

RES. NO. 89-150

CC-7(j)  
CC-90  
CC-300

The City Council adopted Resolution No. 89-150 authorizing the Mayor to execute, on behalf of the City of Lodi, Supplement No. 2 to the Northern California Power Agency (NCPA) Joint Powers Agreement providing for membership in that agency of the Truckee-Donner Public Utility District.

The City Council was advised that the Truckee-Donner Public Utility District has requested membership in NCPA. At its regular meeting of September 27, 1989, the NCPA Commission unanimously adopted Resolution No. 89-35 providing for this membership.

Truckee-Donner will be the third utility district in NCPA. The other two are Plumas-Sierra Public Utility District, and Turlock Irrigation District.

PUBLIC HEARING SET TO  
CONSIDER THE ADOPTION OF  
A RESOLUTION OF NECESSITY TO  
ACQUIRE BY EMINENT DOMAIN  
THE PROPERTY AT 5200  
EAST SARGENT ROAD, LODI

CC-6  
CC-27(a)

The City Council took the initial step in eminent domain procedures by setting a public hearing for November 15, 1989 to consider the adoption of a resolution of necessity for acquisition of the industrial substation site at 5200 East Sargent Road.

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The City Council was advised by City Attorney McNatt that the City is negotiating with the property owners of 5200 East Sargent Road to purchase 8.1 acres of the parcel to the north of future Thurman Street for the substation. The City's right-of-way negotiator, Jerry Heminger, has been meeting with the owners of the property. The meetings have gone well; however, we still do not have a signed right-of-entry or the agreement for the purchase. Because of the tight scheduling of this project, we should proceed with this action in order to assure that we can keep our timetable if further delays in negotiations occur.

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COMMENTS BY CITY  
COUNCIL MEMBERS

No comments were received under the "Comments by City Council Members" segment of the agenda:

COMMENTS BY THE  
PUBLIC ON NON  
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

CITIZENS SUGGESTION  
RECEIVED REGARDING  
PENALIZING DRUNK DRIVERS

CC-24(b)

Mr. Wesley E. Smith, 1330 West Walnut Street, Lodi addressed the City Council suggesting that the responsible drunk driver be required to pay the \$100.00 reward to the reporting party under the Driving Under The Influence Reporter's Reward Program.

The City Clerk was directed to pass this suggestion on to Ken Cortner, the coordinator of this program.

PUBLIC HEARINGS

Notice thereof having been published according to law, affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Hinchman called for the Public Hearings a) to consider the Planning Commission's recommendation that the certification of the Final Environmental Impact Report for Kettleman Properties, a 51 acre commercial project located at the northeast corner of East Kettleman Lane and Beckman Road be approved and b) to consider the Planning Commission's recommendation that the Land Use Element of the Lodi General Plan be amended to accommodate the Kettleman Properties project by redesignating the property from Light and Unclassified Industrial to Commercial and that the property be rezoned C-2, General Commercial.



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KETTLEMAN PROPERTIES,  
A 51 ACRE COMMERCIAL  
PROJECT LOCATED AT THE  
NORTHEAST CORNER OF EAST  
KETTLEMAN LAND AND BECKMAN ROAD

CC-53(a) The matter was introduced by Community Development Director  
CC-53(d) Schroeder who recommended that the subject public hearings  
be continued to consider rezoning the subject parcel M-1,  
Light Industrial rather than the Planning Commission's  
recommendation of C-2, General Commercial.

Following discussion, on motion of Council Member Reid,  
Hinchman second, the City Council continued the Public  
Hearing to 7:30 p.m., November 1, 1989 and directed the  
City Clerk to readvertise with the proposed rezoning to  
be M-1, Light Industrial rather than C-2, General  
Commercial.

REZONING OF A PORTION  
OF THE PARCEL AT 1333  
EAST TURNER ROAD  
(APN 049-020-17 and 20)

ORDINANCE NO. 1465 INTRODUCED

NEGATIVE DECLARATION CERTIFIED

CC-53(a) Notice thereof having been published according to law,  
CC-149 affidavits of publication being on file in the office of  
the City Clerk, Mayor Pro Tempore Hinchman called for the  
public hearings a) to consider the Planning Commission's  
recommended certification of a Negative Declaration as  
filed by the Community Development Director as adequate  
environmental documentation on the request of Dillon  
Engineering on behalf of Dave Vaccarezza to rezone a  
portion of the parcel at 1333 East Turner Road (APN  
049-020-17 and 20) from F-P, Flood Plain to M-2, Heavy  
Industrial to allow construction of a caretaker's/owner's  
residence on a lot which will be raised above the 100 year  
flood plain elevation and b) to consider the Planning  
Commission's recommended approval of the request of  
Dillon Engineering on behalf of Dave Vaccarezza to rezone  
a portion of the parcel at 1333 East Turner Road (APN  
049-020-17 and 20) from F-P, Flood Plain to M-2, Heavy  
Industrial to allow construction of a caretaker's/owner's  
residence on a lot which will be raised above the 100 year  
flood plain elevation.

The City Council was advised that the heretofore listed  
public hearings are being held on the following requests of  
Dillon Engineering on behalf of Dave Vaccarezza:

1. to amend the Land Use Element of the Lodi General Plan by redesignating a 1.49± acre parcel at 1333 East Turner Road from Flood Plain to Heavy Industrial.
2. to rezone the parcel at 1333 East Turner Road from F-P, Flood Plain, to M-2, Heavy Industrial.
3. to certify a Negative Declaration as filed by the Community Development Director as adequate environmental documentation on the above project.

The applicant is requesting the change in land use designation to permit construction of a residence on this parcel of land. Residences are not a permitted use in a flood plain. A residence is permitted in an industrial zone if it is for the owner or caretaker of the industrial property. The subject parcel is located adjacent to other properties owned and operated by Mr. Vaccarezza.

The applicant has obtained a permit from the State Reclamation Board to build-up a portion of his property to raise it above the flood plain. The residence will be constructed on this elevated pad and will be above the projected water level in a 100 year flood. This would permit the City to remove the flood plain designation from the property.

The matter was introduced by Community Development Director Schroeder who presented a diagram of the subject area and responded to questions as were posed by the City Council.

Speaking on behalf of the project was Mr. Cecil Dillon, 1820 West Kettleman Lane, Lodi.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Council Member Olson, Pinkerton second, the City Council certified the Negative Declaration as filed by the community Development Director as adequate environmental documentation on the request of Dillon Engineering on behalf of Dave Vaccarezza to rezone a portion of the parcel at 1333 East Turner Road (APN 049-020-17 and 20) from F-P, Flood Plain to M-2, Heavy Industrial to allow construction of a caretaker's/owner's residence on a lot which will be raised above the 100 year flood plain elevation.

On motion of Council Member Olson, Pinkerton second, the City Council introduced Ordinance No. 1465 - "An Ordinance

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of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Redesignating a 1.49 +/- Acre Parcel at 1333 East Turner Road from Flood Plain to Heavy Industrial, and Rezoning Said Parcel from F-P, Flood Plain, to M-2, Heavy Industrial." The motion carried by unanimous vote of the Council Members present.

SUNWEST PLAZA, A 23.68  
ACRE COMMERCIAL SHOPPING  
CENTER PROPOSED FOR THE  
SOUTHEAST CORNER OF WEST  
KETTLEMAN LANE AND LOWER  
SACRAMENTO ROAD PREZONING  
APPROVED

ORD. NO. 1466

#### FINAL ENVIRONMENTAL IMPACT REPORT CERTIFIED

CC-53(a)  
CC-53(d)  
CC-149

Notice thereof having been published according to law, affidavits of which publication are on file in the office of the City Clerk, Mayor Pro Tempore Hinchman called for the public hearings a) to consider the Planning Commission's recommendation that the certification of the Final Environmental Impact Report for Sunwest Plaza, a 23.68 acre commercial shopping center proposed for the southeast corner of West Kettleman Lane and Lower Sacramento Road be approved and b) to consider the Planning Commission's recommendation that the Land Use Element of the Lodi General Plan be amended to accommodate the Sunwest Plaza project by redesignating the area from Low Density residential to Commercial and that the property be prezoned C-S, Commercial Shopping Center

The matter was introduced by Community Development Director Schroeder who presented a diagram of the subject area.

Mr. Schroeder advised the City Council that as the first step toward the development of the Sunwest Plaza Shopping Center on the southeast corner of Lower Sacramento Road and Kettleman Lane, he engaged the services of Jones & Stokes Associates of Sacramento to prepare the EIR.

The Draft EIR was completed earlier this year and has been through the mandatory State Clearinghouse review. The Final EIR contains all comments received and the appropriate answers where needed.

Further, Mr. Schroeder advised the City Council that the purpose of this request is to provide the zoning so that the developer can build a 23.68 acre commercial shopping center with approximately 254,000 square feet of commercial space. At the Planning Commission public hearing, the proponents indicated that the center will be anchored with

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a 101,000 square foot retail store and a 48,000 square foot super market.

At the Planning Commission public hearing, the developer offered to provide a parking area for a Park & Ride lot for commuters in cooperation with CalTrans.

If the City Council approves the requests, the Public Works Department should be authorized to negotiate with the developer on the amount of sewer capacity that will be available to the center pending completion of the White Slough expansion. In addition, the Public Works Department should also be authorized to negotiate a fair share payment of development fees and/or charges.

The development fees are part of a comprehensive fee structure being developed by Public Works in conjunction with the General Plan update to fund future infrastructure and public facility improvements.

Speaking on behalf of the project was Mr. Chuck Wentland, 119 S. Avena, Lodi

Also addressing the City Council on the matter were:

- a) Eileen St. Yves, 310 S. Orange Street, Lodi
- b) Janet Pruss, 2421 Diablo, Lodi

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

A lengthy discussion followed with questions regarding the matter being directed to staff.

Following discussion, on motion of Council Member Olson, Reid second, the City Council certified the Final Environmental Impact Report for Sunwest Plaza, a 23.68 acre commercial shopping center proposed for the southeast corner of West Kettleman Lane and Lower Sacramento Road and established the following findings:

ENVIRONMENTAL IMPACT - Loss of Prime Agricultural Soil  
(DEIR - P. 4-10)

The Project will result in a loss of 22 acres of prime agricultural soil if the project is approved. This loss cannot be mitigated.

Finding

The land in and around the City of Lodi is all designated as prime agricultural soil. The City does not have the

option of building on non-prime agricultural soils in order to preserve the prime soil. Every development built in the City, large or small, utilizes some prime agricultural land. The residential, commercial, and industrial needs of the City necessitate some urbanization of agricultural land.

#### Overriding Considerations

The area in question has been designated for urban development for many years as a part of the Lodi General Plan. The project site abuts the existing City limits to the east, where two large residential and office commercial projects have been developed. There are also existing commercial developments at the northeast and the southeast corner of Kettleman Lane and Lower Sacramento Road. Both have been developed in the County and have existed for a number of years. There is also a County residential subdivision of approximately nine residential lots located immediately south of the project site. The area has been in a state of transition for many years and this project represents a reasonable extension of the City of Lodi. The City of Lodi has planned and constructed its utility system to serve the area with water, sewer and storm drainage in anticipation of the area developing. The existing infrastructure will allow development of the area without costly expenditures of public funds for the extension of major new lines.

The project will provide a significant benefit for the City of Lodi. Based on figures from the EIR, the Sunwest Plaza project could generate in excess of 600 permanent jobs when fully developed. This does not include the additional jobs created during the construction of the project. The creation of new jobs is important because it provides new employment opportunities for the people living in and around the City of Lodi. Creating local jobs improves the jobs/housing balance in Lodi. It means that people can work in Lodi instead of having to commute to Stockton or Sacramento. This could significantly reduce the commute distance for many workers, thereby reducing the impact of commute traffic on an area-wide basis.

The project will also be a source of additional tax revenue, both property tax and sales tax. The proposed retail stores, particularly the major anchors, will generate a significant amount of sales tax. Not only do they generate new sales taxes, but they help stop the flow of sales tax to Stockton, as people do more shopping in Lodi instead of in Stockton.

These new revenues can be utilized to fund necessary services required by the project. The revenue can also be utilized to benefit the City as a whole, helping to pay for projects and programs that are used by all citizens of Lodi.

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ENVIRONMENTAL IMPACT - Adjacent Agricultural Parcels  
(DEIR - P. 4-11)

Urbanization of the subject parcel will affect adjacent agricultural parcels:

Findings

While some modifications of the current farming practices may be required, those modifications will not prevent the continued agricultural use of the adjacent parcels. The use of agricultural chemicals can continue, although in some cases alternative methods of application or types of chemicals may be required. The project is separated from agricultural property to the north by Kettleman Lane which will eventually have a 110-foot wide right-of-way. The south side of the project site is the only area where the project will be immediately adjacent to existing agricultural property. Along the buffer zone as well as a solid masonry fence adjacent to any agricultural parcels.

ENVIRONMENTAL IMPACT - Traffic (DEIR - P. 6-1)

The project will increase traffic volumes by approximately 13,000 vehicle trips per day when fully developed. These additional vehicle trips will impact traffic on both Kettleman Lane and Lower Sacramento Road.

Finding

The increase in traffic volume on West Kettleman Lane and Lower Sacramento Road will be mitigated by the following:

1. Construct required street improvements on Kettleman Lane including required lane widenings and turn controls.
2. Construct required street improvements on Lower Sacramento Road including required lane widenings and turn controls.
3. Modify the existing traffic signal system at the corner of Kettleman Lane and Lower Sacramento Road to match the new configuration of both streets.
4. Design project driveways to provide safe, efficient ingress and egress from the adjacent streets.
5. The developer should contribute his fair share toward the cost of required street improvements for the project. These project improvements could be funded by payment of

development fees collected from the developer of Sunwest Plaza as well as developers of all other projects constructed throughout the City. To mitigate project and cumulative impacts on transportation/traffic infrastructure, the development shall pay its fair share of development fees and/or charges adopted by the City as part of the 1989/90 General Plan Update now being drafted.

ENVIRONMENTAL IMPACT - Noise (DEIR P. 8-1)

There will be a temporary increase in construction related noise.

Finding

The increased noise levels are temporary in nature and will only last for the duration of construction. The noise is a normal part of every construction project. The City can control unusual noise situations with their noise ordinance.

ENVIRONMENTAL IMPACT - Air Quality (DEIR - P. 7-1)

The proposed project will generate additional amounts of vehicle-related air pollutants, namely reactive organic gasses (ROG) and Nitrous Oxide (NOx).

Finding

The generation of both types of gasses is unavoidable and they are a problem both area-wide and state-wide. The City can help alleviate this problem by supporting San Joaquin County in developing a county-wide trip reduction ordinance. The developer is aiding in this process by offering to dedicate a parking area for a CalTrans operated park and ride lot which could help reduce the number of vehicle trips on an area-wide basis.

ENVIRONMENTAL IMPACT - Public Services (DEIR - P. 5-1)

The project will result in an increased demand for various public services including law enforcement, fire protection, water supply, storm drainage, wastewater and parks and recreation.

Finding

The increased demand on public services can be mitigated in two ways. First, the project, when fully developed, will generate additional sources of taxes, including sales tax and property tax. These sources of funds can be utilized to help offset the cost for increased public services. To

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mitigate project and cumulative impacts on the drainage, water, wastewater and public (including parks, police, fire and other facilities) infrastructure, the development shall pay its fair share of development fees and/or charges adopted by the City as part of the 1989/90 General Plan Update now being drafted.

On motion of Council Member Olson, Reid second, the City Council introduced Ordinance No. 1466 - "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Redesignating a 23.68 Acre Parcel of Land at the Southeast Corner of West Kettleman Lane and Lower Sacramento Road from Low Density Residential to Commercial, and Rezoning Said Property C-S, Commercial Shopping Center." The motion carried by unanimous vote of all Council Members present.

#### RECESS

At approximately 8:55 p.m., Mayor Pro Tempore Hinchman declared a five-minute recess and the City Council reconvened at approximately 9:00 p.m.

#### PLANNING COMMISSION REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of October 9, 1989:

#### CC-35

#### FOR ACTION OF THE CITY COUNCIL

1. Recommend the approval of the request of Ron Thomas to amend the Land Use Element of the Lodi General Plan by reclassifying the 3.7± acre parcel located at the southeast corner of Lower Sacramento Road and West Vine Street from Office Institutional to Residential Low Density.
2. Recommended the approval of the request of Ron Thomas to rezone the 3.7± acre parcel at the southeast corner of Lower Sacramento Road and West Vine Street from R-C-P, Residential-Commercial- Professional, to R-1, Residential-Single Family.
3. Recommended certification of a Negative Declaration as filed by the Community Development Director as adequate environmental documentation on the above projects.

On motion of Council Member Reid, Olson second, the City Council set the heretofore listed matters for public hearing at the Regular City Council Meeting of November 1, 1989.



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The Planning Commission also -

4. Recommended that the City of Lodi vacate a portion of the public utility easement at 210 South School Street based on a finding of no public need for the easement.

OF INTEREST TO THE CITY COUNCIL

The Planning Commission also -

1. Conditionally approved the Tentative Subdivision Map of Sunwest Unit No. 11, a proposed 3.7± acre, 13-lot single-family residential project located at the southeast corner of Lower Sacramento Road and West Vine Street.
2. Conditionally approved the request of Kristin I. Cromwell to create two lots from a single parcel at 2505 West Turner Road in an area zoned C-1, Neighborhood Commercial.
3. Held an informal discussion on the proposed Growth Management Plan and requested additional information from City staff.

At the request of the applicants, continued the following items until 7:30 p.m., Monday, October 23, 1989:

1. The request of Marlon DeGrandmont for a use permit to operate an entertainment center in Suite 7, Lakewood Mall in an area zoned C-S, Commercial Shopping Center.
2. The request of RBS Construction for a use permit to construct a Kentucky Fried Chicken restaurant at 212 West Kettleman Lane in an area zoned C-S, Commercial Shopping Center.

COMMUNICATIONS  
(CITY CLERK)

PUBLIC UTILITIES  
COMMISSION INSTITUTION  
INVESTIGATION

- CC-7(f) City Clerk Reimche presented a copy of an order which had been received issued by the Public Utilities Commission instituting investigation (I.89.09-021) for the purpose of establishing a priority list of railroad/highway grade separation projects eligible for state funding.

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ANNUAL LEAGUE OF  
CALIFORNIA CITIES  
CONFERENCE SCHEDULED TO  
BE HELD IN SAN FRANCISCO  
OCTOBER 22 - 25, 1989  
CANCELLED BECAUSE OF EARTHQUAKE

CC-7(i) It was announced that the Annual League of California Cities Conference which was scheduled to be held in San Francisco October 22 - 25, 1989 had been cancelled.

EARTHQUAKE UPDATE

CC-24(b) City Manager Peterson and Electric Utility Director Rice gave updates on Tuesday's earthquake as it affected the City of Lodi and the City's efforts to provide aid to stricken communities in the bay area.

REGULAR CALENDAR

CONTRACT WITH PAULA  
FERNANDEZ FOR TRAFFIC  
ENGINEERING SERVICES

CC-34 The City Council on motion of Council Member Reid, Hinchman second, approved the personal services contract with Paula J. Fernandez for traffic engineering services, and authorized the City Manager to execute the contract on behalf of the City. The motion carried by the following vote:

Ayes: Council Members - Hinchman, Olson, and Reid

Noes: Council Members - Pinkerton

Absent: Council Members - Snider

The City Council was advised that Mrs. Fernandez has worked for the City of Lodi as an Assistant Civil Engineer since July 1985. She has functioned in the role of Traffic Engineer. Her work has been excellent and the Public Works Department considers her a valued employee.

Mrs. Fernandez is busy raising a young family which precludes her from working full time. She has requested that she be allowed to work on a half-time basis. At some later date, she may be able to return to full time employment.

In order to avoid misunderstandings as to her status and benefits at a later date, we have prepared a personal services contract.

Continued October 18, 1989

TRAFFIC STUDY - LODI AVENUE,  
FAIRMONT AVENUE TO  
HUTCHINS STREET - A TWO-WAY  
LEFT TURN LANE

CC-48(a)

Because of a possible conflict of interest, Council Member Olson abstained from discussion and voting on this matter. During the period of discussion and voting, Council Member Olson left her Council seat.

As directed by the Council, the Public Works Department has reviewed the following request to install a two-way left turn lane on Lodi Avenue between Fairmont Avenue and Hutchins Street to reduce congestion. If the City Council feels, after reviewing this matter, that additional left turn pockets should be considered, it was recommended that a hearing be held and all adjacent businesses and residents be notified.

Honorable Mayor Snider,

With the opening of year-round school for the middle and high schools, we have major congestion on Lodi Avenue. Primarily from Hutchins to Fairmont. I feel the Council needs to address these needs soon. Since Taco Bell moved east to Rose, we have five exit and entries within a very short distance. Peak Traffic periods are chaotic. Then we travel a very short distance west to Crescent, and again we have traffic trying to turn without the benefit of a turn lane or turn light. Travel west to Kentucky Fried Chicken, and again traffic trying to turn into this parking area for food and traffic school, creates additional chaos. Travel west to Orange, and still again traffic is attempting to turn into Fluffy Donut, Chop Chop, and Discount Liquor. I have stopped using Lodi Avenue during these periods, because it will take as long as ten minutes to get through this area if you drive the speed limit.

I feel with the high traffic volume of Lodi Avenue (17,000) daily, the intersections with turn pockets have turn lights, and a two way turn lane be established west of Hutchins, and a turn pocket with the turn light at Crescent.

Many a time Mrs. Olson has commented about the near accidents or accidents at Crescent. This is traffic trying to make turns without the benefit of a turn pocket or light. Mr. Ronsko has explained that the street parking in this area would be removed, to accommodate the smoother movement of traffic.

I would like to see this item placed on the agenda soon, so interested parties may express their views.

Eileen M. St. Yves

The only existing left turn lanes are at Hutchins Street and at Fairmont Avenue. This segment of Lodi Avenue is mostly 60 feet wide with portions at 62 and 64 feet and has two travel lanes in each direction. The traffic volume is approximately 17,500 vehicles per day. The land use of the affected area is primarily residential on the north side and commercial on the south side. Parking is permitted on both sides of this segment except at locations without adequate sight distance or insufficient roadway width due to existing left turn lanes.

The installation of a two-way left turn lane would require the elimination of all on-street parking on both sides of Lodi Avenue. This would remove 30 stalls on the north side and 29 stalls on the south side. Staff indicated that it could not recommend retaining parking on one side because it would result in substantially reduced lane widths.

A review of available accident records for 1987, 1988, and 1989 through September indicates that approximately 26 of the 84 accidents may have been avoided if left turn lanes existed. Eleven of the twenty-six accidents involved parked vehicles. Fourteen of the eighty-four accidents are of undetermined cause.

Removal of the parking and the installation of left turn lanes would improve traffic flow on Lodi Avenue. However, it would be a problem for many of the businesses on the south side of the street. Some of these businesses have no onsite parking.

Installation of left turn lanes at just the Crescent Avenue intersection would require removal of 15 stalls on the north side and 17 stalls on the south side from Avena Avenue to Rose Street. This would not solve many of the problems in the area and the need for lane transitions requires removal of parking without the benefit of a continuous turn lane.

Following a lengthy discussion with questions being directed to Staff, Mayor Pro Tempore Hinchman moved to direct Staff to prepare various options regarding this problem and that these options be brought back to Council at a public hearing regarding the matter the first meeting in June 1990.

The motion was seconded by Council Member Pinkerton but failed to pass by the following vote:

Ayes: Council Members - Hinchman

Noes: Council Members - Pinkerton and Reid

Absent: Council Members - Snider

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Abstain: Council Members - Olson

ELECTRIC UTILITY  
DEPARTMENT CUSTOMER  
NEWSLETTER PROGRAM

CC-6  
CC-51(d)

Electric Utility Director Henry Rice introduced the matter reminding the City Council that it had directed the Electric Department to investigate an informational program which would better inform Lodi consumers. Such an informational program would supplement the information provided in the media. The investigation was to provide two immediate results: first, a newsletter explaining the 1989 rate increase; second, an economic analysis of the cost/benefit of an on-going informational program.

An information newsletter, a copy of which was presented for the City Council's review, had been prepared which generally explains the impact of the rate increase, its proportionment toward residential users, and growth of inflation over the period since the last electric revenue increase. The cost of preparing and distributing the newsletter is \$5,524.

The staff did not have an opportunity to fully explore cost/benefit of all appropriate informational program alternatives but indicated that it would submit an analysis of an on-going program to the Council shortly.

While the staff recommends sending the newsletter, it recognizes the excellent job done by the News-Sentinel keeping the public informed. In fact, nearly all material contained in the newsletter had received coverage by the press.

Following discussion with questions being directed to Staff, the City Council, on motion of Council Member Reid, Pinkerton second, determined that it would take no action on the matter.

ORDINANCES

ORDINANCE AMENDING  
LODI MUNICIPAL CODE  
RELATING TO LOST AND  
UNCLAIMED PROPERTY

ORDINANCE NO. 1462 ADOPTED

CC-6  
CC-149  
CC-152

Ordinance No. 1462 entitled, "An Ordinance of the Lodi City Council Amending Chapter 3.24 Relating to Lost and Unclaimed Property" having been introduced at a regular meeting of the Lodi City Council held October 4, 1989 was brought up for passage on motion of Council Member Reid,

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Olson second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Olson, Pinkerton, Reid, and  
Hinchman (Mayor Pro Tempore)

Noes: Council Members - None

Absent: Council Members - Snider

ORDINANCE ESTABLISHING  
AMENDED RATES FOR THE  
SALE OF ELECTRIC ENERGY  
BY THE CITY OF LODI

ORDINANCE NO. 1464 ADOPTED

CC-51(d)  
CC-56  
CC-149

Ordinance No. 1464 entitled, "An Ordinance of the Lodi City Council Repealing Ordinance No. 1348 of the City of Lodi and Enacting a New Ordinance Establishing Rates for the Sale of Electric Energy by the City of Lodi" having been introduced at a regular meeting of the Lodi City Council held October 4, 1989 was brought up for passage on motion of Council Member Reid, Olson second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Olson, Pinkerton, Reid, and  
Hinchman (Mayor Pro Tempore)

Noes: Council Members - None

Absent: Council Members - Snider

URGENCY ITEM ADDED  
TO THE AGENDA PURSUANT  
TO STATE LAW

CC-6

City Manager Peterson advised the City Council that there was an urgency situation that had developed and the need to take action on the matter arose after the preparation and posting of the agenda.

On motion of Council Member Olson, Reid second, the City Council determined that pursuant to Government Code Section 54954.2 that an urgency situation had developed and the need to take action arose after the preparation and posting of the agenda.

On motion of Council Member Pinkerton, Olson second, the City Council added the following item to the agenda:

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- a) "Closed Session" regarding litigation -  
Davenport vs the City of Lodi

CLOSED SESSION

CC-200(d) At approximately 9:50 p.m. the City Council adjourned to  
"Closed Session" regarding the following matters:


- a) Threatened litigation - City of Lodi vs  
Van Ruitan Trust
- b) Litigation - Davenport vs the City of Lodi

At approximately 10:25 p.m., the City Council reconvened to open session and the City Manager was directed to negotiate with the Van Ruitan Trust for an amicable resolution regarding the matter and was authorized to execute any necessary documents on behalf of the City.

ADJOURNMENT

The meeting was adjourned at approximately 10:30 p.m. It was determined that it would not be necessary to adjourn this meeting to 4:30 p.m., Thursday, October 26, 1989 for the purpose of a "Closed Session" regarding labor relations.

ATTEST:

  
Alice M. Reimche  
City Clerk